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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,485	05/10/2001	Hiroshi Utsunomiya	09792909-5031	4928

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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/852,485

**Applicant(s)**

UTSUNOMIYA ET AL.

**Examiner**

Vincent F. Boccio

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-6, 8-10 and 13-14 and 17-18, are rejected under 35 U.S.C. 102(b) as being anticipated by Ji et al. (US 5,796,538).

Regarding claim 1, Ji discloses and meets the limitations associated with a method and corresponding apparatus for sending information over a network (Fig. 2, represents a network of components connected thru various paths, control, signal etc...) wherein the information stored in a dispersed state (col. 1, lines 55-57, "recording of a video program on a large number of video tapes", also col. 3, "multi-deck VCR 500 to another multi-deck VCR system", wherein one multi-deck comprises two VCR devices on one housing for example, also, "all of the VCR units in the chain of VCR systems can be directed to operate in a recording mode, to thereby attain the capability of a mass reproduction of a video program"), is managed by one of the pieces of EI equipment connected to the network;

- wherein each piece of equipment comprises means for forming a communication channel with another piece of electronic equipment instructed thru an interface to the network (reference col. 4 etc....., "source tape'... 100 ... fed to each of the target tapes VCR units 200 and 300", "enables multi-deck VCR to perform a series playback operation", therefore, meeting the limitations of forming a channel, instructed with respect to control signally paths as shown in the network, references Figs. 2, 3, 4, 5 etc....., and various corresponding disclosures of Ji);

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- in the event of recording in a dispersed state, "time-wise continuous manner", the information EI equipment managing the information stored (recorded material video programs), based on managing information thereof, output instructions to output the recorded data in a dispersed state upon detection of completion of information output from one device or VCR (col. 6, lines 63-, "end sensor 64 determines the completion ... of the first VCR deck", to a second and third etc.....), to another (the system can DUB or copy from one to another to two others at the same time, the system can reproduced from a first, when ended, trigger a second VCR and thereafter a trigger a third ..... depending upon the number of devices in the system).

Regarding claim 2, Ji further meets the limitations of wherein the electronic equipment for managing of the dispersed state is one of the pieces of equipment (Fig. 1, in view of Fig. 2, wherein these double deck, triple deck can be connected to another, col. 3, "chain of VCR systems), therefore, either double/triple decks can control and manage the operations with respect to dispersed recorded program on multiple media and VCR double/triple decks.

Regarding claim 4, in view of Ji meets the limitations of at least a display or acoustic output, considered to have both, in view of being video program material, normally having audio with video in view of the VCR etc, as is suggested by the VCR, wherein the program would be audio and video material, as is conventional (col. 4, viewing a long series of programs, requires a display).

Regarding claim 13, Ji meets the limitations of

- wherein information processing (tape end detection) in the output destination equipment is before, a change (in view of detecting the end, prior to switching on the reproduction from VCR 1 to VCR 2) to one of a display or audio device, on reproduction;
- further wherein information processing (tape end), is further accomplished after, switching, in view of going to the second deck or VCR unit, after the first deck, in a recording operation to a recording medium of the second, prior to switching to the third VCR and medium.

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Regarding claim 14, Ji further meets the limitation as recited wherein the piece of equipment, which gives an output change instruction and information processing starting instruction gives the output destination changing instructions which are based on user instructions via instruction input means (Figs. 1, "50" and Fig. 2, user controls which are required for the system to record, thereby not automatic, therefore, recording and reproduction are based on user inputs, such as user selecting play, therefore, VCR 1 to VCR 2 to VCR 3), during recording user instruction causes recording to VCR 1, thereafter to VCR 2 and so on, met by Ji.

Claims 5-6, 8-10 and 17-18 {recording operation wherein the data is dispersed over more than one VCR and media}, which are deemed, analyzed and discussed with respect to the claims above.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 3, 7, 11-12, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al. (US 5,796,538).

Regarding claims 3, 7 and 11, Ji fails to particularly disclose wherein there exist equipment other than the double/triple decks, that are used to manage and control the overall system, with respect to the information dispersed over multiple devices and media, as understood.

The examiner takes official notice that is it well known to provide a separate piece of equipment for control purposes, outside in this case, the VCRs or recording units of the system {double or triple decks}, such as a general purpose computer, used as a controller controlling multiple units in a system, therefore, it would have been obvious to one skilled in the art, to provide a controller outside the VCR double/triple decks for control purposes and implement to management control method, as taught, as would have been obvious, to those skilled in the art.

Regarding claim 12, Ji fails to particularly disclose giving an output destination change instructions and information processing starting instructions, before, the output designation is change.

The examiner takes official notice that, since Ji uses VCRs, having inherent lag in responding to a start signal to record, and a start signal to reproduce, it is well known to cue up or provide a start signal before the unit would be desired to commence {one area known to be addressed is in the editing environment thereby providing seamless editing}, therefore, it would have been obvious to one skilled in the art, with Ji in front of themselves and the knowledge that VCRs have inherent delays prior to being able to start recording or reproducing, a signal, delays in view of the mechanism of the VCR, it would have been obvious to start the VCR functions of recording and/or reproduction prior to being needed, in order to not miss recording any video, when overrunning to the next VCR and media, in recording and further to provide a seamless output during switching the video from the first VCR to the second on reproduction, thereby providing substantially seamless recording and reproduction, as is desirable and would have been obvious to those skilled in the art.

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Claim 15, is analyzed and discussed with respect to claim 12 (second paragraph of the claim), further Ji, meets the limitation of the first paragraph of the claim,

wherein processing before and after the output destination is changed, by reproduction from the first VCR, detect tape end, switch to VCR 2, thereafter detect end, switch to VCR 3, as disclosed by Ji, therefore, performs processing before and after a change, based on the available capacity and further obvious to account for delays of VCRs, as is deemed obvious {in view of claim 12}.

Claim 16 is analyzed and discussed with respect to claim 15 above.

**Contact Fax Information**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication  
intended for entry)

or:

(703) 308-5359, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal  
Park II, 2121 Crystal Drive, Arlington, VA., Sixth  
Floor (Receptionist).

**Contact Information**

Any inquiry concerning this communication or earlier  
communications should be directed to the examiner of  
record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F.  
Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status  
of this application should be directed to Customer Service  
(703) 306-0377.

Primary Examiner, Boccio, Vincent  
2/16/05

*Vincent F. Boccio*  
VINCENT BOCCIO  
PRIMARY EXAMINER